IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 6064 of 2006()

CRIME NO.299/2006 OF KASABA POLICE STATION, KOZHIKODE.

PETITIONERS/ACCUSED 1 & 2:

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1. ABDUL NAZAR K., AGED 36 YEARS,
   S/O. MUHAMMEDALI, KUNNATHIL PARAMBU,
   DUTT SAW MILL ROAD, PANNIYANKARA AMSOM, DESOM,
   KOZHIKODE TALUK.

2. T.P. KHALID, AGED 40 YEARS,
   AMBALA PARAMBA, ST.VINCENT COLONY ROAD,
   KARIMBANAPALAM, KASABA AMSOM DESOM,KOZHIKODE TALUK

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:

STATE OF KERALA,
REPRESENTING STATION HOUSE OFFICER,
KASABA POLICE STATION, KOZHIKODE, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6064 of 2006

Dated this the 16th October, 2006.

O R D E R

Petitioners are accused 1 and 2 in Crime No.299/2006 of Kasaba Police Station, Kozhikode, for the offence punishable under Sections 341, 323 and 326 IPC, read with Section 34 IPC. It is alleged that after wrongfully restraining the de facto complainant, the son of the maternal aunt of the first petitioner, he was inflicted injuries including fracture on the right foot, by the accused, four in number. Hence, the above case has been registered.

2. Heard both sides. The learned counsel brought to my notice that there were long pending litigations between the parties under the Kerala Buildings (Lease and Rent Control) Act, and this case has been falsely foisted against the accused, as a consequence of the earlier litigations

3. The learned Public Prosecutor, on the other hand, opposes the said application, on the ground that the injuries have been inflicted on the de facto complainant by the accused, four in number. Petitioners are before this Court, as they are apprehending arrest in the above crime.

4. Considering the materials that are placed before me, I dispose of the application, directing the petitioners to surrender before the Investigating Officer of Kasaba Police Station, Kozhikode, who is investigating the Crime No.299/2006 of that police station, on 25.10.2006, between 9.30 and 10 a.m. The investigating officer shall interrogate the petitioners, and produce them before the competent Magistrate Court, as per the law.

5. The learned Magistrate shall, after hearing both sides, allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

J.M. JAMES,
JUDGE

nj.